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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,332	06/26/2003	Michael H. Gurin		2859

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EXAMINER

VIJAYAKUMAR, KALLAMBELLA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,332

Applicant(s)

GURIN, MICHAEL H.

Examiner

Kallambella Vijayakumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-47 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicant's amendment filed 11/08/2005 in response to the Election/Restriction in office action mailed 10/07/2005 is acknowledged, and the restriction requirement is withdrawn over the amendment.

Claims 31-47 as amended are currently pending with the application.

Claim Objections

Claim 43 objected to because of the following informalities: claim 43, recites the phrase "such as" in lines 3 and 4 having broad and narrow ranges within the claim. Appropriate correction is required.

The examiner makes of record that instant claim 43 recite a broad range of components followed by a series of narrow ranges. For examination purposes, the examiner asserts that the narrow ranges recited in instant claims 43 are merely exemplary ranges, and thus, the prior art will be applied against the broadest ranges recited in instant claim 43. Furthermore, the examiner suggests that applicant should delete the narrow ranges from instant claim 43, and add new dependent claims that recite the narrow ranges recited in instant claim 43.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 32-33, 35 and 37-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 32-33 recite the limitation of "The coating imparted" according to claim-31 and 32 respectively, Claim 35 "The in situ complexing" according to claim-34, Claims 37-41 recite the limitation of "The reaction medium" according to claim-31, Claim 43 recite the limitation of "Theazole" according to claim-42, and Claim 47 recite the limitation of "The coating" according to claim-31, while the claims are drawn to a "A powder" and "A coating". It is suggested to amend the claims preamble to "A powder of claim (X), wherein the reaction medium" and "The coating of claim (Y) wherein" In order to eliminate vagueness and better clarity of the claims.

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Regarding claims 42 and 44-46, the claim begins with the phrase "The" that is improper and it is suggested to begin with "A" for the better clarity of the claims. Further these claims refer to powder as 'the powder' and it is suggested to delete the phrase "the" to overcome antecedent basis. Claim-44 also contains the phrase "further comprises" that should read as "comprises", because this is the first coating to the powder precursor particles.

Regarding claim 43, it recites the limitation of azole is selected from.... That includes non azole compounds such as pentane soluble amide, a pyridine based compound, a pentane soluble dispersant, a solvent and a combinations there of. Further, the claim recites the limitation of "selected from group comprising of" in lines 1-2 that is an improper Markush group recitation, and it is suggested replace with "selected from the group consisting of". See MPEP 2173.05(h)(i).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 31-36, 38-43 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa et al (JP 58-103565).

Ogawa et al teaches a conductive path coating formed by surface coating Ag-Be-Cu Alloy powder by dipping the powder in an organic solvent solution of 1,2,3-benzotriazole, separating the solvent and drying forming a thin film of chelate compound over the surface. The particle size of the Ag-alloy powder was 0.05-10 microns. The surface coated Ag-alloy powder, a thermosetting resin such as xylene resin and solvent such as ethyl carbitol were kneaded to form a paint, the paint applied to a phenolic resin

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substrate and cured in air forming an electrode and conductive path (Abstract). With regard to the product by process limitations in the claims, when the reference teaches a product that appears to be the same as the product set forth in a product-by-process claim although produced by a different process, the claim is not patentable. See *In re Marosi*, 710 F.2d 799, 218 USPQ 289 (Fed. Cir. 1983) And *In re Thorpe*, 777 F.2d 695, 227 USPQ 964 (Fed. Cir. 1985). See also MPEP §2113. The components meet the limitation of claims 32-34, 36, 38-43 and 47. All the limitations of the instant claims are met.

The reference is anticipatory.

2. Claims 31-33, 36, 38-41, 44-45 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekhar et al (US 5,364,513).

Sekhar et al teach a coating solution comprising a carrier of colloidal ceria or colloidal cerium acetate, a powder of carbide/oxide, metallic particles of Ni, Al, and micropyreitic agents, wherein coating of metallic particles with the ceria sol will be anticipated. The prior art composition further contains metallorganic compounds such as alkoxides, polycarbosilanes and binding resins such as cellulose and polyvinylbutyral (Col-4, line-45 to Col-6, Line-49). All the limitations of the instant claims are met.

The reference is anticipatory

3. Claim 44 is rejected under 35 U.S.C. 102(b) as being anticipated by Binnis et al (US 3,345,187).

Binnis et al teach precoating titanium dioxide particles having a particle size of 0.15-0.35 micron with a coating of alumina (1.5%), titania (1.12%) and silica (.5%) followed by an alcoholic solution of triisopropanolamine (Col-2, Ln 1-18; Col-3, Example-1). All the limitations of the instant claims are met.

The reference is anticipatory.

4. Claim 46 is rejected under 35 U.S.C. 102(b) as being anticipated by Cuhra et al (US 3,305,369).

Cuhra et al teach mixing the particles of silver with a vehicle containing triethanolamine with or without a flux material, whereby the surface coating of the silver particles with triethanolamine will be

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inherent and meets the limitation of the instant claim (Col-2, Example). All the limitations of the instant claim are met.

The reference is anticipatory.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kallambella Vijayakumar whose telephone number is 571-272-1324. The examiner can normally be reached on 8-5.30 Mon-Thu, 8-4.30 Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMV
January 23, 2006.


Mark Kopec
Primary Examiner